



WEB COPY



Crl.O.P.No.3864 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 3864 of 2026

Shivrattan Khanna

... Petitioner

Vs.

State Rep., by
The Sub-Inspector of Police,
H6 R.K. Nagar Police Station,
Chennai.

... Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the dismissal order dated 19.11.2025 passed by the XV Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.3811 of 2025.

For Petitioner : Ms. K. Jayavarthini

For Respondent : Mr. Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the dismissal order dated 19.11.2025 passed by the XV Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.3811 of 2025.



2. The petitioner / accused, facing trial in C.C.No.63 of 2020 for offence under Sections 294(b) and 506(i) IPC, filed a petition under Section 311 Cr.P.C., in Crl.M.P.No.3811 of 2025. The trial Court, by order dated 19.11.2025, dismissed the same, against which the present petition has been filed.

3. The case against the petitioner is that on 28.06.2018 at about 12.30 hours, in front of a godown, the petitioner, along with others, abused the defacto complaint and also threatened him.

4. The contention of the petitioner is that he was earlier a business partner with the husband of the defacto complaint and that due to certain misunderstandings and without settling the petitioner's accounts, he was denied entry into the godown and was forcibly ousted from the business. Hence, there arose a dispute and a wordy quarrel, which has been exaggerated, leading to the lodging of a false complaint against the petitioner.

4.1. The petitioner further contends that the respondent police did not properly investigate the matter and filed a charge sheet listing six witnesses.



In this case, the petitioner has not cross-examined PW1, as there were other issues pending between the parties regarding the partnership. However, the other witnesses have been cross-examined. Despite these reasons, the trial Court did not consider the petitioner's plea and dismissed the petition.

5. The learned Additional Public Prosecutor for the respondent submitted that in this case, totally there are six witnesses and all of them have been examined. The petitioner was questioned under Section 313 Cr.P.C., and when the case was at the stage of defence, the present petition came to be filed. No reason has been assigned for not cross-examining PW1, who was chief examined on 16.12.2021. Thus, the petition has been filed belatedly, without any justification. For this reason, the trial Court rightly dismissed the petition. However, it is fairly submitted that in this case, PW1 has not been cross-examined even once.

6. Considering the submissions and upon perusal of the materials on record, it is seen that the evidence would be complete only after the witness is subjected to cross-examination. Through such cross-examination, the accused can put forth his defence and elicit the truth or otherwise of the



Crl.O.P.No.3864 of 2026

witness, which would be an important factor in arriving at a just decision in the case. In this case, admittedly, PW1 has not been cross-examined.

7. Hence, this Court set aside the order of the trial Court dated 19.11.2025 made in Crl.M.P.No.3811 of 2025 and directs the trial Court to recall PW1 for the purpose of cross-examination. The petitioner shall, on the date of appearance of PW1, cross-examine the witness without seeking any adjournment. The petitioner is also directed to pay a sum of Rs.5,000/- to the George Town Bar Association, bearing Account No.1186405724 and IFSC Code:CBIN0280876.

8. With the above directions, this Criminal Original Petition is disposed of.

22.04.2026

Neutral Citation: Yes/No
AT



Crl.O.P.No.3864 of 2026

To

1.The XV Metropolitan Magistrate, George Town,
Chennai.

2.The Sub-Inspector of Police,
H6 R.K. Nagar Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.3864 of 2026

M.NIRMAL KUMAR, J.

AT

Crl. O.P. No. 3864 of 2026

22.04.2026